

To: =?EUC-KR?B?WW9vanVuZyBLYW5nLCtwK/BpCDLrOrz79Q=?=
<yoojung@google.com>, "Murray Fitzpatrick" <mfitzpatrick@google.com>, "Heather Gillette"
<hgillette@google.com>, "veedub@google.com" <veedub@google.com>
From: "justing@google.com" <justing@google.com>
Cc:
Bcc:
Received Date: 2006-12-20 03:55:06 CST
Subject: Re: DMCA Help Center content

Hi Yoojung,

Here are my notes on these items:

1. Do I retain copyrights.....? - Yes, keep this, but we need to modify the response to point to the YouTube TOU.
2. How can I tell if a video is copy protected? - No, we don't need this - we don't use DRM.
3. Copyright Notice - I don't think we need a notice of who owns the YouTube interface/software, it will just cause confusion from users looking for other Copyright info.
4. What if I have been falsely accused of copyright infringement? - Yes, we need the response to point to the YouTube DMCA policy page - http://www.youtube.com/t/dmca_policy
5. What should I do if I don't have the rights....? - Yes, we need this response, as well as possibly other questions leading to this response page (such as "Can I post _____ ?") Our canned response for these questions is: "We're glad you take copyright laws seriously - YouTube does too. In general, you must be certain that your video does not infringe someone else's copyright before you upload it to our site. We cannot make this determination for you, it's your responsibility to know the rules, but we suggest you refer to our Copyright Tips at http://www.youtube.com/t/howto_copyright, where we've provided some guidelines and links to help you determine whether your video infringes someone else's copyright. "
6. How do I report copyright infringement? - Yes, obviously. I like the language about contacting the person who posted it, but we should talk about whether we want to keep that (or just direct to the DMCA page). My vote would be yes, keep it (it will discourage unauthorized persons from emailing about infringement, hopefully).
7. What is your policy on copyright infringement? - It would be nice to post our "policy" but we need to write something up first. We can't keep the Google response because it implies pre-screening of material, which we aren't doing. I would like to make this as detailed as possible, with approval.
8. What is public domain? - we need to decide whether or not we want to put info like this into our help center.... Also "What is fair use? Isn't this fair use" etc.
9. Is my video copyrighted? - The Google response to this is confusing, I think. This could be seen as two different questions - A.) Is the content

DATE: 8-12-08
DEPONENT:

EXHIBIT# 10

GILLETTE, HEATHER
CASE: Viacom, et al., v. YouTube, et al., The Football
Association Premier League, et al., v. YouTube, et al.,
Case Nos. 07-CV-2203 and 07-CV-3582
A. Ignacio Howard, CLR, RPR, CSR No. 9830

I'm trying to upload already copyrighted? (meaning: can I post ____ ?) or B.) Is my originally produced content that I have uploaded onto YouTube now protected by copyright? (meaning: "Do I retain copyrights? above) Maybe we could give an interstitial re-direct answering these two questions separately? Or just rephrase the question(s)...

More questions:

Privacy/trademark/abuse/harassment - we need to finalize our policies on these items before we can incorporate them into a Help Center.

1. Why did you remove my video when there are similar/identical videos that remain on the site? (Do we want to publicly acknowledge this 'issue'?)

A: When we are notified or otherwise become aware that a particular video uploaded to our site infringes another's copyright, we respond promptly, as the law requires. If there remain videos on the site that appear similar to the one(s) we've removed, we are likely either not aware of them or do not have reason to believe they are infringing. Sometimes a copyright owner authorizes some, but not all, of its works to appear on our site. Other times, very similar videos are owned by different copyright owners, and one may grant permission while another does not.

Please check out our Copyright Tips at http://www.youtube.com/t/howto_copyright, where we've provided some guidelines to help you determine whether your video infringes someone else's copyright.

2. I bought that video myself, why did you remove it? or I recorded that video myself, how can it be copyright infringement? or I made those AMVs myself, how can it be copyright infringement?

A: Recording a television show, sporting event, or concert on your video recorder doesn't necessarily mean that you own all necessary rights in that video to upload it to our site. This is true even if the event or show you record is open to the public. For example, you may be able to a video tape a professional sporting event, but the league or owner of the professional event is generally allowed to control who captures images of that event and how they are distributed, including digital recordings and photographs. Similarly, video taping a concert of your favorite band does not necessarily give you the right to reproduce and distribute the video images of the band or the music captured in that video without permission from the music publisher (who represents the song writer). Often times, these videos were captured against the rules of the venue or sporting arena in which the event took place, and someone specifically owns the exclusive right to distribute video of that event and/or the accompanying audio track.

The phrase "derivative works" refers to creations such as remixes, where you might take images or sound from a recording and edit it into something new. Although the new video is your own creation, the images and sound you've used still belong to someone else. It doesn't matter if you recorded it for free from television, purchased a DVD, or recorded it yourself at an event--you still need permission from the copyright holder(s) of the material you drew upon to make your new creation.

It may seem confusing that you could record something yourself and still not own the rights to it, but this is the way US law is written.

Please refer to our "Copyright Tips" at http://www.youtube.com/t/howto_copyright where we've provided some guidelines and links to help you determine whether your video infringes someone else's copyright.

If you have any questions about the rules to which you agreed when you became a member of YouTube, please refer to our Terms of Use located at <http://www.youtube.com/t/terms>.

3. Can I download this video?

A. YouTube does not allow downloading of videos at this time.

I'm sure there is and will be more we can add to this.... Let's talk more at the meeting tomorrow! :)

Thanks again,

Justin

On 12/19/06, Yoojung Kang ??? ??? <yoojung@google.com> wrote:

>
> Hi Justin,
>
> Could you review the below content and confirm that those are also needed
> in the YT help center? Please feel free to add any content you think that it
> is necessary.
>
> *Copyright*
>
> - Do I retain copyrights and other legal rights to my video?
> <<http://video.google.com/support/bin/answer.py?answer=26612&topic=8707>>
> - How can I tell if a video is copy-
protected?<<http://video.google.com/support/bin/answer.py?answer=32207&topic=8707>>
> - Copyright Notice
> <<http://video.google.com/support/bin/answer.py?answer=32185&topic=8707>>
> - What if I have been falsely accused of copyright
infringement?<<http://video.google.com/support/bin/answer.py?answer=26619&topic=8707>>
> - What should I do if I don't have rights to the video I uploaded?
> <<http://video.google.com/support/bin/answer.py?answer=26617&topic=8707>>
> - How do I report copyright
infringement?<<http://video.google.com/support/bin/answer.py?answer=26614&topic=8707>>
> - What is your policy on copyright
infringement?<<http://video.google.com/support/bin/answer.py?answer=26613&topic=8707>>
> - What is Public Domain?

> <<http://video.google.com/support/bin/answer.py?answer=47712&topic=8707>>
> - Is my video copyrighted? <<http://video.google.com/support/bin/answer.py?answer=47711&topic=8707>>
>
> <http://video.google.com/support/bin/topic.py?topic=8707>*
>
> Privacy*
>
> - Google Video Player Privacy
Notice<<http://video.google.com/support/bin/answer.py?answer=32170&topic=8708>>
> - Does Google track the content I search
for?<<http://video.google.com/support/bin/answer.py?answer=26549&topic=8708>>
> - How do I report invasion of privacy?
> <<http://video.google.com/support/bin/answer.py?answer=26620&topic=8708>>
>
> <http://video.google.com/support/bin/topic.py?topic=8708>
>
> Please let me know ASAP.
>
> Thanks,
>
>
> On 12/18/06, Yoojung Kang ??? ??? <yoojung@google.com> wrote:
>>
>> Hi Justin,
>>
>> This is Yoojung Kang. I am going to work on creating the YT Help Center.
>> I would like to know more details about the DMCA help center content.
>>
>> 1. What questions are most frequently asked by users?
>> 2. What content should be included?
>>
>> Could you let me know until Wed. please?
>>
>> Thanks,
>> --
>> Yoojung
>
>
>
> --
> Yoojun
